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*Attorneys for Defendants Michael W. Crow
and Duncan Capital Group LLC*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MICHAEL W. CROW, DUNCAN CAPITAL
LLC, DUNCAN CAPITAL GROUP LLC,
ROBERT DAVID FUCHS, and ROBERT
MACGREGOR,

Defendants.

and

TREVOR CROW, SANTAL HOLDINGS
LLC, M.W. CROW FAMILY LP, CROW 2001
CHILDREN'S TRUST FBO MICHELLE LEE
CROW, CROW 2001 CHILDREN'S TRUST
FBO SPENCER MICHAEL CROW, CROW
2001 CHILDREN'S TRUST FBO DUNCAN
CROW, and CROW 2001 CHILDREN'S
TRUST FBO OLIVIA TREVOR CROW,

Relief Defendants.

07 Civ. 3814 (CM)(MHD)
ECF CASE

NOTICE OF MOTION

Oral Argument Requested

PLEASE TAKE NOTICE that, for the reasons set forth in the accompanying
Memorandum of Law, and all prior pleadings and proceedings herein, defendants Michael W.
Crow and Duncan Capital Group LLC, by and through undersigned counsel, will move the Court

(Hon. Colleen McMahon), at the United States Courthouse, 500 Pearl Street, Room 640, New York, New York, at a date and time convenient to the Court, for an order dismissing plaintiff's request for injunctive relief pursuant to Fed. R. Civ. P. 12(b)(1), or, in the alternative, to strike the request pursuant to Fed. R. Civ. P. 12(f).

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b) and Fed. R. Civ. P. 6(e), any opposing affidavits and answering memoranda shall be served on or about September 27, 2007. Any reply affidavits and memoranda of law shall be served on or about October 8, 2007.

Respectfully submitted,

/s/ Seth L. Levine
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DATED: September 10, 2007

TO: Preethi Krishnamurthy
Securities and Exchange Commission
Northeast Regional Office
3 World Financial Center
New York, NY 10281

Attorneys for Plaintiff